

January 28, 1999

Ms. Michelle Mitchell  
Police Records Technician  
North Richland Hills Police Department  
P.O. Box 820609  
North Richland Hills, Texas 76182-0609

OR99-0275



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

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JOHN CORNYN  
Attorney General

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Dear Ms. Mitchell:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121646.

The North Richland Hills Police Department (the "department") received a request for a police report concerning the arrest of an adult. You state that you have released basic information concerning the offense and the arrest. You assert that the remaining information concerning the arrest and the underlying incident report is protected from disclosure under section 552.108 as the case is still under police investigation. You submitted the other information at issue to this office for review.

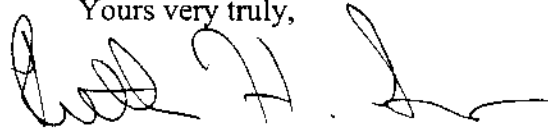
We have reviewed the detailed police report concerning the underlying incident and subsequent arrest of this individual. In addition to information about the adult who was arrested, the report concerns the criminal activity of various minors. We conclude that the submitted report is confidential in its entirety under section 58.007 of the Family Code, in conjunction with section 552.101 of the Government Code. Section 552.101 excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. Section 58.007(c) of the Family Code reads in pertinent part as follows:

Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public . . . .

*See also* Fam. Code § 51.02(2) (defining "child"). Subsection (d), which concerns the transfer of records in certain circumstances, is apparently inapplicable here. Because section 58.007(c) makes the information at issue confidential, the submitted report must be withheld from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a long horizontal flourish extending to the right.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/nc

Ref: ID# 121646

Enclosures: Submitted documents

cc: Mr. Randy Richmond  
6301 Yarmouth  
North Richland Hills, Texas 76180  
(w/o enclosures)